

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

Caption in Compliance with D.N.J. LBR 9004-1(b)

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In re:

BED BATH & BEYOND INC., *et al.*,¹

Debtors.

Chapter 11

Case No. 23-13359 (VFP)

(Jointly Administered)

**NOTICE OF FILING OF AGREEMENT OF SALE WITH
550 MONTGOMERY INVESTMENTS LLC**

PLEASE TAKE NOTICE that on April 25, 2023, the United States Bankruptcy Court for the District of New Jersey (the “Court”) entered the *Order (I)(A) Approving the Auction and Bidding Procedures, (B) Approving Stalking Horse Bid Protections, (C) Scheduling Bid Deadlines and an Auction, (D) Approving the Form and Manner of Notice Thereof, (E) Approving the Form APA, and (II)(A) Establishing Notice and Procedures for the Assumption and Assignment of Contracts and Leases, (B) Authorizing the Assumption and Assignment of Assumed Contracts, (C) Authorizing the Sale of Assets and (D) Granting Related Relief* [Docket No. 92] (the “Bidding Procedures Order”) in the chapter 11 cases of the above-captioned debtors and debtors in possession (collectively, the “Debtors”), by which the Court approved procedures setting forth the process by which the Debtors were authorized to sell any portion, all or substantially all of the Debtors’ Assets.

¹ The last four digits of Debtor Bed Bath & Beyond Inc.’s tax identification number are 0488. A complete list of the Debtors in these chapter 11 cases and each such Debtor’s tax identification number may be obtained on the website of the Debtor’s proposed claims and noticing agent at <https://restructuring.ra.kroll.com/bbby>.

PLEASE TAKE FURTHER NOTICE that On September 11, 2023, the Debtors filed their *Second Amended Joint Chapter 11 Plan of Bed Bath & Beyond Inc. and its Debtor Affiliates* [Docket No. 2160] (the “Plan”).² On September 14, 2023, the Court entered an Order confirming the Plan (the “Confirmation Order”) [Docket No. 2172].

PLEASE TAKE FURTHER NOTICE that on September 29, 2023 (the “Effective Date”), the Debtors filed the *Notice of (I) Entry of the Order (A) Approving the Disclosure Statement on a Final Basis and (B) Confirming the Second Amended Joint Chapter 11 Plan of Bed Bath & Beyond Inc. and its Debtor Affiliates and (II) Occurrence of Effective Date* [Docket No. 2311]. Pursuant to the Plan, on the Effective Date, the Plan Administrator became the sole representative of the Wind-Down Debtors and is authorized to (i) implement the Plan and any applicable orders of the Bankruptcy Court and (ii) sell, liquidate, or otherwise dispose of any and all of the Wind-Down Debtors’ assets without additional notice to or approval of the Bankruptcy Court. *See Plan*, Articles IV.F.4, VII.A. and VII.B.

PLEASE TAKE FURTHER NOTICE that pursuant to the Plan, any Asset Sale Transaction will be either (a) conducted pursuant to the Bidding Procedures or Lease Sale Procedures, (a) approved by the Bankruptcy Court prior to the Effective Date, or (c) otherwise authorized by the Plan. *See Plan*, Article IV.F.

PLEASE TAKE FURTHER NOTICE that prior to the Effective Date, the Debtors, in accordance with the Bidding Procedures, negotiated the terms of the sale of the real property and equipment, machinery, fixtures, furniture, furnishings, supplies and other personal property located 2436 Penny Road, Claremont, North Carolina (the “Property”).

PLEASE TAKE FURTHER NOTICE the Plan Administrator has reviewed and executed an agreement of sale with 550 Montgomery Investments LLC (the “Purchaser”), attached hereto as Exhibit A (the “Agreement of Sale”) which contemplates the sale of the Property.

PLEASE TAKE FURTHER NOTICE that Daniel Soleymani, an individual, has agreed to serve as the backup-bidder (the “Back-up Bidder”) with respect to the sale of the Property. A copy of the Back-up Bidder’s agreement of sale is attached hereto as Exhibit B.

PLEASE TAKE FURTHER NOTICE that the Plan Administrator will seek entry of an order (the “Proposed Order”) approving the Agreement of Sale at the hearing scheduled for **October 24, 2023 at 10:00 a.m. (ET)**. A copy of the Proposed Order is attached hereto as Exhibit C.

² Capitalized terms used but not defined herein shall have the meanings ascribed to them in the Plan or the Agreement of Sale.

Dated: October 19, 2023

/s/ Colin R. Robinson

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